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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,162	08/06/2001	Paulus Schmaus	51631	8678
26474	7590	04/07/2004	EXAMINER	
KEIL & WEINKAUF 1350 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			MANOHARAN, VIRGINIA	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/922,162	<b>Applicant(s)</b> SCHMAUS ET AL.	
	<b>Examiner</b> Virginia Manoharan	<b>Art Unit</b> 1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) In claim 3, line 4, "the range" should be --a range- to provide proper antecedent support.

(b) Claim 8 is rejected for the same reasons as set forth at sections c and d, page 2 of the previous Office action. [Since applicants did not address the above rejection(s), it is assumed they are acquiescing therein]. Also, it is unclear what constitute the claimed "other polymerization inhibitors" and an "effective amount" that will prevent polymerization, within the context of the claimed invention especially since they are not mention in the specification.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Disclosure Of Admitted Prior Art in view of Daren et al (4,835,326).

Applicants' admission is applied for the same reasons as set forth at page 3, first full paragraph of the previous Office action.

The "nitroxyl inhibitors" of WO 96/16921 is deemed not covered in the claimed "other polymerization inhibitions " especially in the absence of positive reference to specific "other polymerization inhibitors" in the claims. Nonetheless, Daren teaches or suggests at col.1, lines 15-24 that "high amounts of stabilizer (TBC...) are required to effect an acceptable degree of stabilization; and further teaches or suggest at col. 1, lines 50-60 that removing the cause of destabilization of the bromostyrene is conventionally done is the art. To remove the cause of destabilization in the process admitted to be known by applicants would have been obvious to one of ordinary skill in the art if stabilization is so desired.

Claims 1-7 are would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Applicant's arguments filed October 29, 2003 have been fully considered but they are not persuasive.

Applicants' assertion that "the disclosure of addition of TBC for "transportation" referred to the reason why the TBC was in the styrene, i.e., for stabilization. The destabilization of styrene or other aromatic monomers so that they can be polymerized by removal of TBC is the purpose of the present invention and the process that is recited in the claims..." is not considered well-taken. However, if the addition of TBC in styrene results in stabilization, the removal of TBC would obviously achieve the opposite result, i.e. destabilized. This is obvious not unobvious. This is evident as taught by Daren, supra. Furthermore, claim 8 is not limited to "the destabilization of styrene or other aromatic monomers so that they can be polymerized by removal of

TBC..." commensurate with the argument. In fact, claim 8 recites in the preamble " a process for the destabilization and purification of styrene containing 4-tert-butylcathechol" (Underlining supplied). At least, the method used for destabilization is not clear from the claim. The specification is also silent regarding removal of TBC for destabilization. The specification at page 1, lines 32-35 simply states that the destabilization and purification of styrene to which 4-tert -butylcathechol has been added for transportation; and at page2, lines 3-6" destabilizing....It is usually sufficient to use a distillation column having one plate or a simple evaporator..."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia Manoharan whose telephone number is (571) 272-1450. The examiner can normally be reached on Tuesday-Friday from 7:00a.m to 6:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9311.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Manoharan/tgd

March 26, 2004



VIRGINIA W. H. H.  
PRIMARY EXAMINER  
ART UNIT 128 *W. H.*